

AUG. 31. 2004 2:58PM

AVENTIS US PAT DEPT

NO. 6963 P. 4 of 2



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/808,889	03/25/2004	Francois Clerc	ST01027051ENT

CONFIRMATION NO. 7466

005487

ROSS J. OEHLER  
AVENTIS PHARMACEUTICALS INC.  
ROUTE 202-206  
MAIL CODE: D303A  
BRIDGEWATER, NJ 08807

## FORMALITIES LETTER



\*OC000000013575748\*

Date Mailed: 08/18/2004

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES***Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

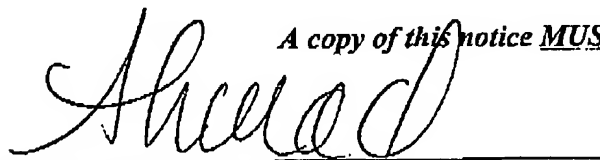
Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents

AUG. 31. 2004 2:58PM

AVENTIS US PAT DEPT

NO. 6963 P. 5  
Page 2 of 2

P.O. Box 1450  
Alexandria VA 22313-1450

A handwritten signature in cursive script, appearing to read "Shirley", is written over a horizontal line.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**BEST AVAILABLE COPY**

AUG. 31. 2004 2:57PM AVENTIS US PAT DEPT  
TO: US MISSING PARTS

NO. 6963 P. 1

**FAX TRANSMITTAL  
TO THE UNITED STATES PATENT OFFICE**

Applicants Docket Number:  
3101027US CNT

Applicants:  
Francois Clerc et al

Serial No.  
10/808,889

Filing Date:  
March 25, 2004

Title of Invention:  
Substituted Benzimidazole Compounds and Their Use for Treatment of Cancer

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Missing Parts, at 703-746-4060, on  
Date of Deposit: August 31, 2004  
Printed Name of Person Signing Certificate: Bonnie Stein  
Signature: Bonnie Stein

Total Number of Pages Sent: 5

Attorney: Lawrence Martin

Group Art Unit: Not Assigned  
Examiner: Not Assigned

TO: Mail Stop Missing Parts  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Please acknowledge receipt of the below-listed documents for the above Application by returning this sheet, signed and dated, by return telefax to (908) 231-2626. If any fees are required, please charge our deposit account (18-1982) in the name of Aventis Pharmaceuticals Inc.

- ☐ Amendment, 37 CFR \_\_\_\_\_  
☐ Charge deposit account, in duplicate  
☐ Extension of Time Petition  
  
☐ Issue Fee Transmittal & Advance Order  
☐ Maintenance Fee Transmittal

- ☐ Fee Transmittal  
☐ Petition under 37 CFR \_\_\_\_\_  
☒ Other Response to Notice to Comply with Requirements for Patent Applications Under 37 CFR 1.821-1.825 to Supply Sequence Listing - 2 pgs.  
☒ Other Copy of Formalities Letter - 2 pgs.

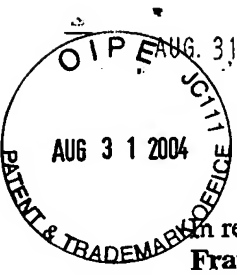
Receipt Confirmed:

Signed

Dated

Aventis Pharmaceuticals Inc., Route 202-206, P.O. Box 6800, Bridgewater, New Jersey 08807, U.S.A. [www.aventis.com](http://www.aventis.com)  
NOTICE: The documents accompanying this telecopy transmission are intended only for the use of the individual or entity named above. If you have received this telecopy in error, please immediately notify the sender by telephone to arrange for the return of the original documents.

Aventis Pharmaceuticals Inc. template (March 2001)



AUG. 31. 2004 2:57PM

AVENTIS US PAT DEPT

NO. 6963 P. 2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of  
**Francois Clerc et. al.**

Examiner: Not Assigned

Art Unit: Not Assigned

Application No.: 10/808,889

Filed: March 25, 2004

Title: **Substituted Benzimidazole  
Compounds and Their Use for Treatment of  
Cancer**

<b>CERTIFICATE OF TRANSMISSION</b>	
I hereby certify that this correspondence is being transmitted via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, <u>Missing Parts</u> , at 703-746-4060, on	
Date of Deposit	<u>August 31, 2004</u>
Printed Name of Person Signing Certificate	<u>Bonnie Stein</u>
Signature	<u>Bonnie Stein</u>

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS UNDER 37 CFR 1.821-1.825 TO  
SUPPLY SEQUENCE LISTING**

Mail Stop Missing Parts  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

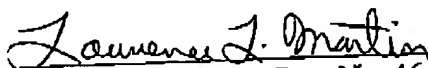
This correspondence is in response to receipt of a Notice to Comply with requirements for patent applications that contain nucleotide and/or amino acid sequences under 37 CFR 1.821-1.825. The office copy of said notice is attached to this response.

Please be advised that the Initial Patent Examination Division has apparently misinterpreted the content of the above referenced patent application. The Notice to Comply is very detailed with respect to requirements for providing a sequence listing but is silent on details of the instant application that prompted issuance of said Notice. **Applicants respectfully submit that the aforesaid application does not disclose nucleotide or peptide amino acid sequences that require compliance with 37 CFR 1.821-1.825.**

Applicants request that the Initial Patent Examination Division reconsider the propriety of issuance of the above stated notice in light of Applicants' statements made herein and withdraw the said Notice to Comply.

If further clarification is required by the Initial Patent Examination division please call  
(collect if necessary) the telephone number listed below.

Respectfully submitted,

  
Lawrence L. Martin, Reg. No. 46,902  
Attorney/Agent for Applicant

Aventis Pharmaceuticals Inc.  
Patent Department  
Route #202-206 / P.O. Box 6800  
Bridgewater, NJ 08807-0800  
Telephone (908) 231-4803  
Telefax (908) 231-2626

Aventis Docket No. ST01027 US CNT